

REMARKS

A three-month Request for Extension of Time is being concurrently filed with this Amendment with the appropriate fee.

Applicant formally offers to surrender the original Patent No. 6,032,156. This can be done in the parent reissue Application No. 10/087,003 or in this divisional reissue Application No. 10/616,602. We will await the Examiner's instructions in this regard.

Applicant confirms the previous restriction election of Group I claims 104-110.

Applicant requests temporary retention of claims 111-130 in this case pending a decision regarding the filing of additional divisional applications directed to the inventions of Groups II and III.

A new Supplemental Declaration and Power of Attorney is filed with this response and is believed to overcome all of the objections expressed by the Examiner. The Examiner's suggestions have been included in the revision to the Declaration.

The pre-amendment has also been corrected as suggested by the Examiner in paragraph 7. of the latest Office Action.

The features queried by the Examiner in item 6. on page 6 of the Office Action are, for example, recited in claim 104 and their cooperation is further illustrated and described in at least FIG. 3, by the schematic diagram and flowchart indicating the organization of a database according to the invention, and wherein there is shown the

stylistic approach 300/interface layer 305 interacting with the program layer 310, template layer 315, module layer 320 and clips 325 (media).

Media clips under control of the computer 20 in FIG. 1 are described generally at Col. 2 lines 52-64:

"Referring to FIG. 1, there is depicted a system 10 according to the invention. System 10 includes a computer 20 including processor 30, input devices 40, output and display devices 50 and memory devices 60. Computer 20 may be a conventional personal computer with suitable processor speed and memory capacity and speed. Computer 20 communicates in a suitable manner with library 70 of audiovisual clips 80. Library 70 may be stored on any suitable storage medium of adequate bandwidth and retrieval time characteristics. At present, certain fixed or hard disk systems provide superior performance to other options. Digitized audiovisual clips 80 are stored in library 70. Each audiovisual clip is suitably identified, such as by the name of one or more files which make up the clip."

The database and its organizational structures are shown in FIGS. 2 and 3 and described generally at Col. 2, lines 65-67; Col 3, lines 1-67; Col. 4, lines 1-38:

"Database.

Computer 20 is also suitably associated with a database 100. Database 100 contains unique identifying information for each clip and has associated therewith additional information often arranged in a hierarchical manner. Referring to FIG. 2, this information will be referred to herein as a header 110. Individual items of information within the header will be referred to herein as tags. The tags are divided into two general categories, namely control tags 115 and content tags 120. Content tags 120 contain information identifying the content of the clip. The content is often embodied in three general categories, namely content, i.e., information communicated by the clip, as indicated by block 125, viewer profiles for viewers most likely to be receptive to the clip, indicated by block 130, and intended use of the clip, indicated by block 135. The content tags contain information defined by a suitable system of classification of information. For example, in a database of clips for the assembly of video programs concerning medical information, the content information may, in addition to other systems, such as for categories of content mentioned above, make use of International Classification of Disease codes. In databases directed to assembly of programs for

other topics, other coding systems are used for the content information. Fields may be provided to indicate technical complexity, specific items of information conveyed, demographic characteristics of actors in clips, style of script, and other suitable information. One or more fields may be provided within the content tag to define content. The system by which the content information is defined is preferably organized to provide for relationships among types of information. Such relationships may be levels of generality, and other subject matter relationships.

The organizational structure of the database may be hierarchical, with each layer of hierarchy defining a specific set of organizational principles. Referring to FIG. 3, at the highest level the global behavior of the universe of elements is defined. This is equivalent to automating a 'look-and-feel' function for the entire unit of programming. A given stylistic approach 300 can be defined through the use of default values which will be employed, for example, in the treatment of transitions between adjacent clips. There may be defined a set or range of transition values, such as a range from hard-cut to 24-frame dissolve. In this example, the master look-and-feel level of organization might define hard-cut as the aesthetically optimal, and therefore the default, choice. Numerous other aesthetic or programmatic choices that affect the delivery and placement of media elements in the concatenated stream can be defined.

Also at the highest level of organization, typically used in on-line applications only, there may be provided the viewer/ user interface options which define the ways in which any given class and security level of user will be allowed to actively as well as passively interact with media assets. We will call this the INTERFACE LAYER 305. At this level of organization, the behaviors of ancillary assets such as promotional segments, information identifying the system, advertisements and news-flashes are defined. These assets embody aesthetic, program or instructional design, as well as market-driven, or viewer defined behaviors.

Immediately below this layer is preferably the meta-content layer. This is called the PROGRAM LAYER 310. Here are defined the type of assets and the core content descriptions of those assets. By way of example, the types of assets may be defined as training, informational, and entertainment assets. Examples of core subject matter would be "medical", at the highest level, "health management", at a lower level, and "diabetes mellitus", at a still lower level.

Next in the hierarchy is the instructional design layer, or TEMPLATE LAYER 315. This layer is characterized by a family of defining values which describe the range of the target audience in specific demographic and psychographic terms. Additionally, the overall outline of the subject matter is contained in this layer and is associated with demography where appropriate. These outlining functions are

secondary, however, to the temporal organizational templates embodied in this layer. Here the instructional designer, or interactive author, defines the preferred temporal modes of presentation of the universe of assets. For example, the instructional designer might define that the block of programming content called EFFECTS ON THE HEART is presented across three fundamental age groups, two levels of detail (summary/cursory and in-depth), both gender specific groups and four distinct ethnicity components. Within this multidimensional array of program assets, the instructional designer might also define that the material be presented in the preferred sequence of - INTRODUCTION TO THE HEART, IMPACT OF DIABETES ON THE CARDIOVASCULAR-VASCULAR STRUCTURES, EFFECTS OF DIET, EFFECTS OF EXERCISE, Q&A SESSION, SUMMARY.

Below the instructional design layer are the smaller organizational elements which allow for elasticity in the specifics of the implementation of the temporal design. Ibis is called the MODULE LAYER 320 and in special instances the SEQUENCE LAYER. Fundamental to this layer are weighting factors which control likelihood of asset use, and allow for the deployment of elements which are free to float temporally in order to accomplish certain transitions and effective deployment of those elements which are slave to the temporality functions. These elements as a group are shorter sequentially-patterned program elements of content which organize under the temporality principles of the higher layer. The free floating elements may have various linking geometries or parameters at the opening and closing thereof. Such elements can be used to bridge elements that cannot themselves be linked because a direct link is either disallowed or would involve use of disfavored transitions."

The program control is tied to the user's stylistic approach 300 at Col. 4, lines 39-

51:

"The lowest level of organization is that of the individual media elements or assets themselves. This is called the CLIP LAYER 325. These elements carry tags which define their specific content, such as: DIABETIC HEART, LEFT VENTRICLE, DAMAGE TO, HYPERGLYCEMIA, MALE, AGE 50, TALKING HEAD. The first three content tags will be noted as being in hierarchical order from most general to most specific. The next two are examples of demographic tags, and the final tag is a simple example of a tag denoting style. These elements also carry production-specific control tags, which, as discussed in more detail below, define such characteristics as allowable exit/entrance transitions for both audio and video."

The clip layer 325 in FIG. 3 includes the individual media elements. One example of "automatically" for the system is described at Col. 5, lines 41-57:

"The database is created by identifying each clip or other asset and defining values of the control tags and content tags for each. Values of the various control tags and content tags may be defined by a user, either during development of the script for the clip or upon completion of the clip. For example, the program may include screens prompting a user to select a value for each control tag from a menu of options. Different screens may be provided for different users, such as dialog editors, audio editors, and video editors, to enter values for appropriate control and content tags. Alternatively, values of various tags may be created automatically by truth tables or decision-capture systems, or other automated techniques, either with or without human assistance. Such systems may act from information derived from analysis of existing clips using image-recognition software, from analysis of scripts entered into text, or from other information provided by human editors."

Col. 6, lines 8-14:

"Each of the foregoing components operates as an independent entity in the exemplary system. Each component is started by the user selecting an icon from an appropriate folder. The user interface is preferably be graphical in nature. Actual keyed data entry is preferably kept to a minimum where most entries are made by selecting an option from a set or an entry from a list."

Col. 2, lines 23-31:

"In another aspect of the invention, a method of creating audiovisual programming from stored audiovisual media elements is provided. In a first step, from a database containing information concerning the audiovisual media elements, certain audiovisual media elements are selected. A temporal sequence for the selected elements is designated. Transitions between the media elements are automatically selected."

In this regard, the disclosure of the patent is replete with further examples of the practice of the invention.

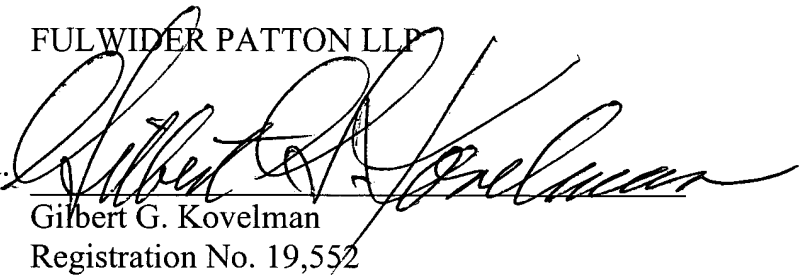
In light of the foregoing, the rejection of Applicant's claims 104-110 under 35 U.S.C. 251 should now be obviated.

It is believed that this case is now in condition for allowance, and an early Notice of Allowance to this effect is earnestly solicited. If the Examiner wishes to discuss this matter, please contact Applicant's attorney at 310/824-5555, Ext. 560.

Respectfully submitted,

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